

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK (WHITE PLAINS)**

JEFFREY THOMAS PIRZINGER,
Plaintiff,

v.

TRANS UNION LLC,
Defendant.

JURY TRIAL DEMANDED

Case No. 7:25-cv-01760-PMH
Hon. Philip M. Halpern

**LETTER MOTION FOR LEAVE TO FILE SUR-REPLY TO DEFENDANT'S REPLY IN
SUPPORT OF ITS MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT**

Honorable Philip M. Halpern:

Plaintiff respectfully requests leave to file a short sur-reply memorandum in further opposition to Defendant's Reply in Support of Its Motion to Dismiss the First Amended Complaint (ECF No. 21), which was e-filed on July 30, 2025 with no evidence of mailing to Pro Se Plaintiff.

Defendant's reply raises new arguments not addressed in its original motion, including:

- Procedural and evidentiary objections regarding Plaintiff's submission of certified call transcripts;
- Assertions that Plaintiff is attempting to improperly supplement the record rather than pleading factual sufficiency;
- New characterizations of the First Amended Complaint as lacking allegations of actual falsity or causation, which mischaracterize the record and disregard Plaintiff's factual exhibits, referenced disputes, and stated harms.

These arguments were not briefed in the initial motion to dismiss and were only introduced after reviewing Plaintiff's opposition (ECF No. 20). Plaintiff seeks to address these newly asserted positions, clarify the factual record, and request limited judicial determinations regarding the evidentiary status of the transcript exhibits submitted with the opposition.

Plaintiff respectfully requests permission to file a sur-reply brief within five (5) business days of the Court's order granting leave. This request is made in good faith and in the interest of a full and fair presentation of the record without prejudice to any party.

Thank you for your consideration.

Respectfully submitted,



Dated: August 1, 2025

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